



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

February 5, 2014

US EPA RECORDS CENTER REGION 5



560619

**CERTIFIED MAIL NO. 7007 3020 0000 0959 0219**

**RETURN RECEIPT REQUESTED**

Mr. Ryan Fleser

Director of Corporate Quality and Environmental Strategy

Daikin Applied Americas, Inc., dba Dakin Applied

13600 Industrial Park Boulevard

Minneapolis, MN 55441

RE: Request for Information

St. Louis Park Solvent Plume

6714 Walker Street, former McQuay International Operations

Dear Mr. Fleser:

The Minnesota Environmental Response and Liability Act (MERLA), commonly known as the state Superfund law, authorizes the Minnesota Pollution Control Agency (MPCA) to investigate and remedy sites where there are releases or threatened releases of hazardous substances or pollutants or contaminants. See Minn. Stat. §115B. Under MERLA, persons who may be responsible for a release or threatened release or persons who own real property where a release or threatened release is located are required to provide information related to the release or threatened release to the MPCA upon request. The enclosed document (Request for Information) is a request for Daikin Applied to provide information about the release or threatened release described below.

Using the criteria specified in MERLA, the MPCA staff has identified a release or threatened release of hazardous substances or pollutants or contaminants from 6714 Walker Street, St. Louis Park, Minnesota, and has potentially identified multiple source areas located in the general area of Highway 7 and Walker Street, and Louisiana Avenue and Highway 7 in St. Louis Park, Hennepin County, Minnesota, (hereinafter called the "St. Louis Park Solvent Plume Superfund Site" or "Site.")

The MPCA has reason to believe that McQuay International Operations at 6714 Walker Street, St. Louis Park, Minnesota, may be a responsible person under MERLA, and/or may have information which is relevant to the release or threatened release from the Site. As the recipient of this Request for Information, Daikin Applied has a legal duty under state law to provide the information requested even if it believes it is not a responsible person under MERLA, and even if it has filed for bankruptcy.

Responding to the Request for Information does not constitute an admission that Daikin Applied is responsible (liable) for the release. Failure to respond to the Request for Information may result in the assessment of administrative penalties or the initiation of other legal action as necessary to compel Daikin Applied to provide the information requested. The legal authority of the MPCA is detailed further in the attachment to this letter. MPCA will use the information requested to carry out its responsibilities under the law, including the identification of responsible persons for the release or threatened release from the Site. MPCA may share the requested information with the U.S. Environmental Protection Agency (U.S. EPA), which has participated in the investigation and response to the release.

Respond to the Request for Information within thirty (30) days of receipt of this Request for Information. The MPCA may agree to provide more time upon request. To request an extension, contact the MPCA staff person listed below prior to the deadline for response.

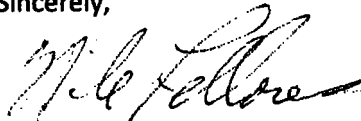
The enclosed packet contains the Request for Information as well as three Attachments. Attachment 1 provides instructions for responding to the Request for Information. Attachment 2 contains a glossary of terms used in the Request for Information. Attachment 3 contains a map of the Site and associated soil vapor samples, and groundwater sample analytical results. The soil vapor analytical results detected elevated levels of PCE in soil vapor samples collected near the north loading dock and near the south and southeast side of the building. Elevated concentrations of Vinyl Chloride, a break down product of PCE, were also detected in water samples collected from the onsite process well. Please review the attachments before responding.

Please submit Daikin Applied's answers to the Request for Information and any relevant documents to the MPCA at the following address:

Nile Fellows, Project Leader  
Closed Landfill and Superfund Section  
Remediation Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North, 5<sup>th</sup> Floor  
St. Paul, Minnesota 55155-3898

Should you have any questions regarding this letter or the enclosed Request For Information, please contact Nile Fellows, 651-757-2352, [nile.fellows@state.mn.us](mailto:nile.fellows@state.mn.us), or Dave Scheer at 651-757 2693, [dave.scheer@state.mn.us](mailto:dave.scheer@state.mn.us) or toll free at (800) 657-3864.

Sincerely,



Nile Fellows  
Project Leader  
Site Remediation and Redevelopment Section  
Remediation Division

NF:ls

Enclosures

cc: Kaushalya Khanna, U.S. EPA, Superfund Division

## PART 1

### REQUEST FOR INFORMATION AND REQUEST FOR PRODUCTION OF DOCUMENTS

If you operate a business (incorporated or unincorporated) at this address, answer the following questions. If you did not operate a business at this address, please indicate which if any of the chemicals listed in part II question 9 may have been used at this address and answer questions \_2\_, \_4\_ and \_8.

1. Identify the full legal name of the business and its current address and telephone number if the business still operates.
2. Identify any other name(s) under which the business has operated.
3. Identify the date when the business began.
4. Has the business ever been acquired by another person or business? If the answer is YES, answer the following questions:
  - a. Identify the date of the acquisition and whether it was by merger, consolidation, purchase of stock, or purchase of assets. Provide a copy of the acquisition documents.
  - b. Identify the names of the owners of the business and the name of the business before and after the acquisition.
5. Identify the products or services produced or offered by the business before and after the acquisition.
6. Is the business a corporation, general partnership, a limited partnership, a sole proprietorship or some other form of business venture such as a joint venture or a syndication? Specify.
7. If the answer to question 6 is some form of partnership, provide a copy of the Partnership Agreement and any amendments to the Agreement.
8. Identify the names and current (or last known) addresses and telephone numbers of all current and former owner(s) of the business. If the business is a partnership, identify the names and current (or last known) addresses and telephone numbers of all current and former partners. If the business is not a legal partnership or sole proprietorship, identify the names and addresses of all current and former persons or legal entities which make up the business.

## **PART II**

### **ABOUT THE ENVIRONMENTAL PRACTICES OF THE BUSINESS**

- 1. Identify the person(s) who are/were responsible for compliance with local, state and federal environmental laws, rules, and regulations for the business.**
- 2. Identify all current and former employees who were responsible for waste disposal (include dates of employment and last known address and telephone number).**
- 3. Identify all environmental permits issued by any governmental authority which the business held or currently holds, including effective dates.**
- 4. Have there been or are there currently any environmental enforcement actions against the business?**
- 5. If the answer to question four is yes, identify the enforcement action, the governmental agency involved, and the status or resolution of the matter.**
- 6. Identify the acts or omissions of any person other than your employees, contractors, or agents that may have caused the release or threatened release at the Site of hazardous substances or pollutants or contaminants or damages resulting therefrom.**
- 7. Identify all persons who may be responsible for the liabilities of the business resulting from or relating to the release or threatened release of hazardous substances, pollutants, or contaminants at the Site including, but not limited to, successors and individuals.**
- 8. Identify all current and prior liability insurance policies held by you or the business. Provide the name and address of each insurer and insured, the amount of coverage under each policy, commencement and expiration dates, existence of a "pollution exclusion" clause, and coverage of sudden or nonsudden types of accidents. In lieu of providing this information, you may submit copies of all relevant insurance policies.**
- 9. Which of the following items have been used, produced, or disposed of by the business? (Check yes or no and specify types of each waste disposed).**
- 10. Identify the arrangements the business made for treatment or disposal of the wastes described in question nine above. Identify any persons or businesses with whom such arrangements were made and provide all records or documents, including invoices, related to such arrangements.**
- 11. Identify the manner in which any waste generated by the business was transported including:  
(a) the names and addresses of all waste haulers or waste collection services used by the business;  
(b) the dates each waste hauler or collection service was used; and (c) the names of the disposal sites used by the business and its waste hauler(s) or collection service(s).**
- 12. According to building records PCE Tanks were located inside and behind the building. Describe the uses of the tank. What chemicals were placed in the tank? Were there any spills? Were there any leaks?**

<u>Waste</u>	YES	NO	Specify type, if known, and approximate amount disposed of each week
Benzene	<input type="checkbox"/>	<input type="checkbox"/>	
Toluene	<input type="checkbox"/>	<input type="checkbox"/>	
Ethyl Benzene	<input type="checkbox"/>	<input type="checkbox"/>	
Xylenes	<input type="checkbox"/>	<input type="checkbox"/>	
Any Petroleum Products	<input type="checkbox"/>	<input type="checkbox"/>	
dichloroethene (DCE)	<input type="checkbox"/>	<input type="checkbox"/>	
methylene chloride	<input type="checkbox"/>	<input type="checkbox"/>	
methyl isobutal ketone	<input type="checkbox"/>	<input type="checkbox"/>	
methyl ethyl ketone	<input type="checkbox"/>	<input type="checkbox"/>	
naphthalene	<input type="checkbox"/>	<input type="checkbox"/>	
trichloroethane (all forms)	<input type="checkbox"/>	<input type="checkbox"/>	
tetrachloroethene (a.k.a. PCE, tetrachloroethylene, perchloroethylene)	<input type="checkbox"/>	<input type="checkbox"/>	
dichloroethene (all forms)	<input type="checkbox"/>	<input type="checkbox"/>	
dichloroethane	<input type="checkbox"/>	<input type="checkbox"/>	
trichloroethylene (a.k.a. TCE, trichloroethene)	<input type="checkbox"/>	<input type="checkbox"/>	
vinyl chloride	<input type="checkbox"/>	<input type="checkbox"/>	
tetrachloroethane (all forms)	<input type="checkbox"/>	<input type="checkbox"/>	

Other wastes not listed above:

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### **PART III**

#### **ABOUT THE RESPONSES TO THIS REQUEST FOR INFORMATION**

- 1. Identify all persons with whom the business consulted in the preparation of the response to the Request for Information, including their current relationship to the business.**
- 2. Identify any other persons who may be able to provide a more detailed or complete response to the Request for Information or who may be able to provide additional relevant documents.**
- 3. For all documents identified or reviewing in the preparation of responses to this document (e.g. letters, reports, contracts, articles of incorporation, etc.) either a) provide a time and place at which you will produce all such documents for inspection and copying, or b) provide copies of such documents with your response.**

## ATTACHMENT 1

### INSTRUCTIONS

1. Review the Definitions (Attachment 2).
2. Make a separate response to each request for information.
3. Precede each answer with the number of the request for information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
4. In answer to each request for information, identify all sources of information.
5. Information responsive to a request may not be known or available on the date your response is submitted. If responsive information becomes known or available later, you must supplement your response to the MPCA. Moreover, if at any time after the submission of your response you discover that any portion of the submitted information is false or misrepresents the truth, notify the MPCA as soon as possible with correct information.
6. Respond to the Request for Information on the basis of all information and documents in your possessions, custody or control of your former or current employee, agents, contractors, attorneys, or other person who conducted business on your behalf. Furnish information that is available to you, regardless of whether it is based on personal knowledge, and regardless of source.
7. Where specific information has not been memorialized in any document, but is nonetheless responsive to a request for information, you must respond to the request with a written response.
8. If any requested documents have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each document, identify the person to whom it was transferred, describe the circumstances surrounding its transfer or disposal, and state the date or approximate date of the transfer or disposal.
9. Provide the requested information even if it is characterized as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by Minn. Stat. § § 13.37 and 115B.17. If no claim of confidentiality accompanies the information when it is received by the MPCA, it may be made available to the public by the MPCA without further notice to you.
10. Construe "and" and "or" either disjunctively or conjunctively as necessary to bring within the scope of the Request for Information any information which might otherwise be construed to be outside their scope.
11. Send with your response a notarized affidavit from you or a responsible company official or representative stating that a diligent record search has been completed and that a diligent interview has been conducted with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practices at the business. To the extent that any information you provide relating to this Request for Information is based on your personal knowledge, or the personal knowledge of your employees, agents, and other representatives, this information must be in the form of a notarized affidavit.

## ATTACHMENT 2

### DEFINITIONS

1. **McQuay International** or "the business" includes any agent, contractor, subcontractor, or other person who conducted or did business on behalf of McQuay International.
2. **St. Louis Park Solvent Plume** or the "Site", means the property located in and around 3506 Wooddale Avenue and 6039 and 6015 Highway 7, including 7317 Lake Street West St. Louis Park, Hennepin County, Minnesota.
3. **YOU, RESPONDENT.** The term "you" or "respondent" means the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
4. **DOCUMENT.** "Document" means information preserved in any manner or which an individual, company, employee or agent has knowledge regardless of location or being classified as privileged. This information includes but is not limited to the following: correspondence, contracts, agreements, memoranda, telegrams, reports, assignments, personnel records, record books, manifests, logs, scrap-books, diaries, minutes, plans, drawings, photographs, tapes, computer discs, invoices, checks, surveys and analysis.
5. **IDENTIFY.** The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known address and the name of the employer, and a description of the job responsibilities of the person.
6. **IDENTIFY.** The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), and a brief description of its business.
7. **IDENTIFY.** The term "identify" means, with respect to a document to provide its customary business description, its date, its number if any (e.g., invoice or purchase order number), to identify of the author, addresser, addressee and/or recipient, and the substance or the subject matter.
8. **PERSON.** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state. Minn. Stat. § 115B.02, subd. 12 (1992).
9. **FACILITY.** "Facility" means:
  - (a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;
  - (b) Any water craft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or
  - (c) Any site or area where a hazardous substances, or a pollutant or contaminant, has be deposited, stored, disposed of, or placed, or otherwise come to be located."Facility" does not include any consumer product in consumer use. Minn. Stat. § 115B.02, subd. 5.
10. **HAZARDOUS SUBSTANCES.** "Hazardous Substance" means:
  - (a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 United States Code section 1321(b)(2)(A);
  - (b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, title 42, section 7412; and
  - (c) Any hazardous waste.



"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste. Minn. Stat. § 115B.02, subd. 8 (1992).

**11. HAZARDOUS WASTE. "Hazardous Waste" means:**

(a) Any hazardous waste as defined in section 226.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and

(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under United States Code, title 42, section 6903, which is listed or has the characteristics identifies under United States Code, title 42, section 6921, not including any hazardous waste the regulations of which has been suspended by act of Congress.

**12. POLLUTANT OR CONTAMINANT. "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.**

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas. Minn. Stat. § 115B.02, subd. 13.

**13. SOLID WASTE. "Solid Waste" means garbage, refuse, and other discarded solids materials, except animal waste used as fertilizer, including solid waste material resulting from industrial, commercial, and agricultural operation and from community activities. Solid waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids, or dissolved material in domestic sewage or other significant pollutants in wastewater resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. Minn. Rules pt. 7035.0300, item BB.**

**14. RELEASE. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.**

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under United States Code, title 42, section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a)(1) or 7942(a); or

(d) any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25. Minn. Stat. § 115B.02, subd. 15.

STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY

REQUEST FOR INFORMATION  
PURSUANT TO THE  
ENVIRONMENTAL RESPONSE  
AND LIABILITY ACT

In the Matter of the  
St. Louis Park Solvent Plume Superfund Site

The Minnesota Environmental Response and Liability Act (MERLA), Minn. Stat. Ch. 115B, provides that:

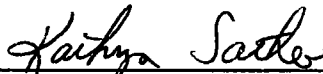
Any person who the [Minnesota Pollution Control] agency has reason to believe is responsible for a release or threatened release as provided in section 115B.03, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which that person may have or may reasonably obtain which is relevant to the release or threatened release.

Minn. Stat. § 115B.17, subd. 3. In addition, Minn. Stat. § 115B.17, subd. 4(a) authorizes the Minnesota Pollution Control Agency (MPCA) to examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information under subd. 3, and Minn. Stat. § 116.07, subd. 9(c) authorizes and requires the MPCA to "conduct investigations ... as it may deem necessary or advisable for the discharge of its duties under Minn. Stat. ch. 116."

Pursuant to the authority cited above, the MPCA requests you to furnish the information and documents requested below within 30 days of receipt of this Request for Information document. Please read carefully the Instructions (Attachment 1) and Definitions (Attachment 2) before responding to the Request for Information.

Date: 2/5/14

Minnesota Pollution Control Agency



Kathryn Sather  
Division Director  
Remediation Division

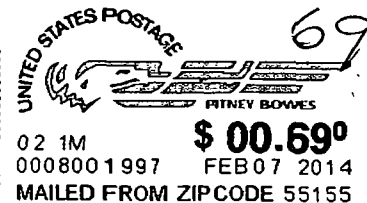


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FIRST CLASS



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